

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS HUBBARD,

Plaintiff,

v.

ABBOTT BAILBONDS AGENCY, LLC,  
et al.,

Defendants.

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Case No. 1:20-cv-294

HON. JANET T. NEFF

**ORDER**

This case is scheduled for a Pre-Motion Conference on June 24, 2020, concerning Defendants' proposed Motion to Dismiss (ECF No. 3). Upon further review, and in light of the extraordinary conditions resulting from the COVID-19 pandemic of 2020, the Court determines that a Pre-Motion Conference is unnecessary, and the Court will issue a briefing schedule for Defendants' proposed Motion. Therefore:

**IT IS HEREBY ORDERED** that the parties shall proceed with briefing Defendants' proposed Motion to Dismiss under Rule 12(b)(6), limited to the federal claims only (Counts II and III) and the grounds raised for dismissal, in accordance with the following schedule:

- (1) Defendants' Motion and Brief, not to exceed 20 pages, shall be served and a proof of service filed not later than August 5, 2020;
- (2) Plaintiff's Response, not to exceed 20 pages, shall be served and a proof of service filed within 28 days of service of the Motion;
- (3) Defendants' Reply, if any, not to exceed 7 pages, shall be served and a proof of service filed within 14 days of service of the Response; and
- (4) The parties shall electronically file their respective motion papers as soon as the motion is fully briefed.

**IT IS FURTHER ORDERED** that the parties' briefs shall cite authority to support their positions that *Maynard v. Kear*, 474 F. Supp. 794 (N.D. Ohio 1979), is/is not "old case law" (*see* ECF No. 12 at PageID.48-49), and shall otherwise present specific, factually and legally on-point authority (not general legal propositions) to support their arguments, which shall concisely address/be responsive to the grounds for dismissal.

**IT IS FURTHER ORDERED** that the Court reserves the issue of supplemental jurisdiction over the state law claims (Count I) pending its decision on the dismissal of the federal claims.

**IT IS FURTHER ORDERED** that as feasible, before serving their motion papers, the parties shall collaborate on a single Joint Statement of Material Facts, setting forth in numbered paragraphs, short and concise statements of the key underlying, undisputed facts. The Joint Statement shall be filed as a separate document on CM/ECF. If the parties rely on additional facts to support their arguments, those facts shall be set forth in their respective motion briefs.

**IT IS FURTHER ORDERED** that if any exhibits are considered appropriate, the parties shall collaborate and file a Joint Exhibit Book to avoid duplicative exhibits.

**IT IS FURTHER ORDERED** that the parties shall adhere to this Court's Local Civil Rule 10.9 when referencing a page of the record. *See* W.D. Mich. LCivR 10.9.

**IT IS FURTHER ORDERED** that Defendants shall provide chambers with one three-ring binder containing single-sided paper courtesy copies of the respective dispositive motion papers, including the motion, the response, any reply, and any exhibits, after electronic filing (i.e., with the CM-ECF PageID header), and properly tabbed. The binder shall be submitted directly to Judge Neff's chambers.

**IT IS FURTHER ORDERED** that the parties shall otherwise adhere to the requirements for briefing and filing dispositive motions, as set forth in Judge Neff's Information and Guidelines for Civil Practice, available on the Court's website ([www.miwd.uscourts.gov](http://www.miwd.uscourts.gov)).

**IT IS FURTHER ORDERED** that the June 24, 2020 Pre-Motion Conference is CANCELLED.

**IT IS FURTHER ORDERED** that the time for Defendants to file their responsive pleading to Plaintiff's complaint is extended until fourteen (14) days after the Court's decision on Defendants' motion to dismiss, or until further order of the Court.

Dated: June 19, 2020

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge